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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,822	11/08/2000	Yvetta D. Pols Sandhu	SMQ-034	3050

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LAHIVE & COCKFIELD
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BOSTON, MA 02109

EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,822

Applicant(s)

YVETTA D. POLS SANDHU

Examiner

John B. Walsh

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,8-20 and 22-32 is/are rejected.
- 7) Claim(s) 2, 5-7, 21 and 33-35 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,819,692 to Johnson et al.

Johnson et al. '692 disclose at least one lock mechanism (35) mounted within a cover (27); a track (45); a sliding security plate (43); said lock mechanism extends said security plate laterally from one end of said cover (figure 6).

3. Claims 11, 12, 14, 18, 19, 20, 24, 25, 28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,401,247 to Zoor.

As concerns claims 11 and 19, Zoor '247 discloses a tray (4) slidably mounted (the tray is mounted by having the tray contact the rack and slid into place until the hole for 7 is aligned) within said component rack (5; mounted within with 7); at least one fastener (7); a cover (10); a locking mechanism (17); a sliding a security plate (18; pivotally slides on back end of 17) that is extendable to block access to said at least one fastener (column 3, lines 32-38).

As concerns claim 12, said tray (4) holds several components (4 supports the cover 10, a lock 17, a fastener 14).

As concerns claim 14, said lock mechanism is a key-based lock (figure 1; 17).

As concerns claim 20, said fastener is threaded (column 3; line 15; screw 7).

As concerns claim 24, said locking mechanism is positioned at one end of said cover, proximal to said at least one fastener (figure 3).

As best understood concerning claim 25, said locking mechanism is positioned distal from said at least one fastener (figure 2) and a sliding security plate (18) extends to prevent access to said at least one fastener.

As concerns claims 18 and 28, said cover forms a handle for pulling and pushing said tray in and out of said component rack (when 7 is unscrewed a user can grasp the cover and pull it out of the tray, thus serving as a handle).

As concerns claim 32, a method of securing a tray (4) within a component rack (5) comprising the steps of: sliding said tray (4) into a closed position (position when 4 is attached to 5 by 7) within said component rack (secured within 5 with 7); a cover (10) for said tray; sliding a security plate (18; pivotally slides on back end of 17) within a cover (10) until said security plate covers and inhibits access to an access aperture leading to at least one fastener anchoring said tray into said component rack (column 3, lines 32-38); activating a locking mechanism (17) located within said cover of said tray and coupled to said security plate, locking said security plate in place (figure 2; security plate locked in place by 17).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,819,692 to Johnson et al. as applied to claim 1 above in view of U.S. Patent No. 5,865,043 to Loughlin.

Johnson et al. '692 do not explicitly teach a locking mechanism is a combination lock.

Loughlin '043 teaches a locking mechanism comprising a combination lock (figure 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking mechanism of Johnson et al. '692 with a combination lock, as taught by Loughlin '043, in order to provide a key-less entry feature.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,819,692 to Johnson et al. as applied to claim 1 above in view of U.S. Patent No. 5,410,897 to Edmondson.

Johnson et al. '692 do not explicitly teach said locking mechanism is a padlock.

Edmondson '897 teaches a padlock (25). Edmondson '897 further teaches using any of a lock cylinder, padlock or combination lock for the purpose of locking.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking mechanism of Johnson et al. '692 with a padlock, as taught by Edmondson '897, in order to provide a locking mechanism that can be removed easily by a user so that the user may replace the padlock with another type of padlock if desired.

7. Claims 8 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,819,692 to Johnson et al.

Johnson et al. '692 do not explicitly disclose the cover is made of plastic and the security plate made of metal or plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover of plastic and the security plate made of

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metal or plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,401,247 to Zoor as applied above to claim 11.

Zoor '247 does not explicitly disclose the cover is made of plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover of plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

9. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,401,247 to Zoor, as applied above in claims 11 and 19, in view of U.S. Patent No. 5,865,043 to Loughlin.

Zoor '247 does not explicitly teach a locking mechanism is a combination lock. Loughlin '043 teaches a locking mechanism comprising a combination lock (figure 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking mechanism of Zoor '247 with a combination lock, as taught by Loughlin '043, in order to provide a key-less entry feature.

10. Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,401,247 to Zoor, as applied above in claims 11 and 19, in view of U.S. Patent No. 5,410,897 to Edmondson.

Zoor '247 does not explicitly teach said locking mechanism is a padlock.

Edmondson '897 teaches a padlock (25). Edmondson '897 further teaches using any of a lock cylinder, padlock or combination lock for the purpose of locking.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking mechanism of Zoor '247 with a padlock, as taught by Edmondson '897, in order to provide a locking mechanism that can be removed easily by a user so that the user may replace the padlock with another type of padlock if desired.

11. Claims 13, 26, 27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,401,247 to Zoor as applied above in claims 11 and 19.

As concerns claim 13, Zoor '247 does not disclose a plurality of lock mechanisms. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of lock mechanisms, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

As concerns claims 26 and 27, Zoor '247 does not disclose multiple fasteners. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide multiple fasteners, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

As concerns claims 29-31, Zoor '247 does not explicitly disclose the cover is made of plastic and the security plate made of metal or plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover of plastic and the security plate made of metal or plastic, since it has been held to be within the general skill of a

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worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

12. Claims 2, 5, 6, 7, 21, 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed October 15, 2002 have been fully considered but they are not persuasive.

The applicant's argue that the prior art of record does not teach a component rack containing electronic components. The claims presently are only drawn to a locking cover. The claims are not drawn to the combination of the locking cover and a component rack containing electronic components. The component rack containing electronic components has not been given patentable weight. Furthermore the "for a component rack containing electronic components" is intended use and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.


Anthony Knight
Supervisory Patent Examiner
Technology Center 3670

JW
June 16, 2003